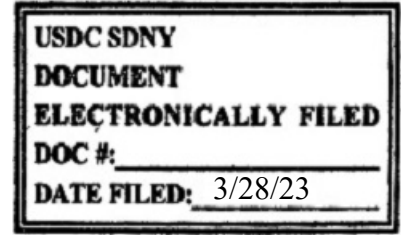


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Via Electronic Filing

The Hon. Barbara C. Moses, U.S.M.J.
U.S. District Court, Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Aviles et al v. CFR Corp. et al*
Case No.: 1:23-cv-00001-JMF

MEMO ENDORSED

Dear Honorable Magistrate Judge Moses,

This law firm represents Plaintiffs Damyan Aviles and Nicole Sanchez (together, the “Plaintiff”) in the above-referenced matter.

Pursuant to Your Honor’s Individual Motion Practice Rules 1(b) and paragraph 6¹ of Your Honor’s March 24, 2023 Order Scheduling Settlement Conference [Dckt. No. 16], this letter respectfully serves to request an adjournment of the in-person settlement conference scheduled for Wednesday, March 29, 2023 at 2:15 p.m.

There are two, separate and independent reasons for seeking an adjournment of the March 29th Settlement Conference. First, additional time will permit the parties to exhaust the possibility of settling the matter themselves, before appearing in Court for a settlement conference. Counsel for Defendants CFR Corp., and Herve Rousseau (together, the “Defendants”) most recently communicated an offer of March 27, 2023. Additional time is needed for Plaintiffs to evaluate Defendants’ most recent offer, before communicating a revised demand.

In addition, based on the discussion between counsel yesterday, Plaintiffs may seek to supplement the existing document production, pursuant to the directives of the Honorable Jesse M. Furman’s January 3, 2023 Order Regarding Early Settlement Conference and Initial Pretrial Conference [Dckt. No. 6].

Given the narrow issue of Defendants’ purported financial hardship, Plaintiffs’ respectfully require additional time to evaluate Defendants’ existing financial production, and potentially request additional documents.

This is the first request of its nature, and is made on consent of Plaintiff’s counsel. If granted, this request would not affect any other scheduled deadlines.

The parties have conferred, and propose the following dates for a rescheduled in-person settlement conference:

¹ We apologize, in advance, for making the instant application less than seven (7) days before the scheduled conference.

1. May 23, 2023; or
2. May 24, 2023.

The parties have confirmed these proposed dates with Your Honor's Chambers, prior to filing the instant application.

Thank you, in advance, for your time and attention to this matter.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

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VIA ECF: All Counsel

At the direction of Judge Moses, the parties have requested an adjournment of their April 18, 2023 initial pretrial conference before Judge Furman. (*See* Dkt. 18.) In the alternative, they have requested that Judge Furman permit the settlement conference before Judge Moses to occur after the initial pretrial conference. (*See id.*) If Judge Furman grants either branch of the parties' request, the settlement conference currently scheduled before Judge Moses for March 28, 2023 will be ADJOURNED to **May 24, 2023, at 2:15 p.m.** SO ORDERED.



Barbara Moses
United States Magistrate Judge
March 28, 2023